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OFFICE OF PETITIONS

In re Patent No. 6,348,074
Issue Date: February 19, 2002
Application No. 09/228,821
Filed: January 11, 1999
Patentee(s): Deborah Wenzel

ON PETITION

This is a decision on the petition under 37 CFR 1.378(c), filed on February 14, 2012, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A petition to accept the unintentionally delayed payment of a maintenance fee under 35 U.S.C. § 41(c) and 37 CFR 1.378(c) must be accompanied by: (1) a statement that the delay was unintentional; (2) payment of the appropriate maintenance fee, unless previously submitted; (3) payment of the surcharge set forth in 37 CFR 1.20(i)(2). This petition lacks item (3) above.

A review of the record shows petitioner submitted a credit card payment in the amount of \$2,880 for payment of the 3 ½ year maintenance fee in the amount of \$1,240 and the unintentional surcharge in amount of \$1,640, on February 14, 2012. However, since the patent expired for non-payment of the 7 ½ year maintenance fee, this patent cannot be reinstated until the deficiency of \$185 (1425–1240) has been submitted¹.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within **TWO (2) MONTHS** from the mail date of this decision. No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

¹ Effective September 26, 2011, the 7 ½ small entity maintenance fee was increased from \$1,240 to \$1,425.

Any petition for reconsideration of this decision must be accompanied by the petition fee of \$400 as set forth in 37 CFR 1.17(f). The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

Further correspondence with respect to this matter should be addressed as follows:

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By hand: U.S. Patent and Trademark Office
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The centralized facsimile number is (571) 273-8300.

Telephone inquiries should be directed to the undersigned at (571) 272-3226.

/Andrea Smith/
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Petitions Examiner
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